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The Texas Observer

An [illegible] ral Weekly Newspaper
[illegible] to the South

Vol. 53 | [illegible] EXAS, APRIL 1, 1961 | [illegible] copy | No. 1

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Supreme Oa[illegible] [illegible] Endorsed by Panel

AUSTIN

With several unsympathetic members absent, the House state affairs committee this week favorably reported the supreme being bill to the House floor.

The vote on the measure, which would require all public school and college teachers to take an oath acknowledging the existence of a supreme being, was 7-6.

Because the bill, HB 548, has a high number, there may not be sufficient time for it to reach the floor this session unless chief sponsor W. T. Oliver of Port Neches seeks a suspension of rules. Suspension requires a two-thirds vote.

"I don't know yet exactly what we're going to do," Oliver told the Observer Thursday. He said he would confer with the 30 co-signers and "go along with a majority of them." Could the bill pass the House? "I certainly think so, yessir," Oliver said.

Opponents of the bill on the 21-man state affairs committee had estimated they had eleven or twelve votes, enough to keep it bottled up in the committee or to re-refer it to a hostile subcommittee. Their main concern, however, was to have enough opponents present at each meeting of the panel to prevent any move to report with a majority of proponents present.

Monday night, after a hard tax fight which lasted all afternoon, state affairs met for its regular bi-weekly session.

"I was in my district making a speech," Rep. Ronald Roberts of Hillsboro said. "Six members of the committee who didn't like the bill weren't there.

"There they were all gone and they (the proponents) brought it up right in the middle of a hearing on another bill," Roberts said. "We just let our guard down—that's all we did. We've stayed down here at committee meetings to the wee hours some nights to prevent this type of action taking place.

"I feel strongly enough on this," he said, "to stake my legislative career on it. I'll fight it on the floor." He said the proponents were offered a milder substitute merely prohibiting the teaching of atheism in classrooms, but the offer was refused.

"They continuously hounded certain members of the committee who are against it of the political dangers involved," Roberts said.

Joe Cannon of Mexia said he had stepped back to the speaker's office and heard what was going on at the committee table through the loudspeaker system. He hurried back for the vote.

"The chairman just waited until enough people had gone either to telephone or to the tax committee hearing or home. It's quite obvious a majority of the committee was against it.

"I don't think the supreme being is going to approve of that kind of tactics," Cannon said, "and he doesn't need them."

H. G. Wells of Tulia had gone upstairs to the tax hearing. "They waited until a minority was in the majority," he said.

Neil Caldwell of Alvin said he "left early to attend a meeting held by several members of the legislature relative to several major issues.

"The bill that was being considered by the committee was one I had some familiarity with," he said. "I felt I could in good conscience be absent—never dreaming this subcommittee report would be forthcoming. The regular subcommittee reports that night, as is the custom, had been made at the start. If I could relive that evening, I would have stayed until 6 a.m. and cast my vote. Then the bill would have

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Dobie Jammed By Birchers; Probe Sought

HOUSTON

Members of the John Birch Society, seeking revenge for J. Frank Dobie's calling them "fools," jammed a telephone switchboard here this week at the Southwestern Savings Association where Dobie was signing copies of his latest book.

Dobie was unperturbed. "I refuse to be disturbed by the barkings of the members of Character Assassination, Anonymous," he said.

Since the Observer's report on the John Birch Society last week, it has received information from all points in the state about the activities of this secret, far-right organization

The Observer welcomes any information about the Society.

"If the John Birch people had their way, according to the pronouncements of their chieftain, Robert Welch, then one could say without any reservation that Russia had conquered the United States, not so much physically as mentally and spiritually."

Dobie signed 400 copies of his books as the guest of Rex G. Baker Jr., president of the Southwestern Savings, who called Dobie "the greatest living writer" on Southwestern life.

Also in Houston, U.S. Rep. Jim Wright said he would call for a congressional investigation of the Birch Society although "I know this will make me their target."

Wright was only one of several with the same goal in mind. In Washington, Sen. Thomas H. Kuchel, California Republican, also asked for an investigation of the society, which has called Eisenhower a card-carrying communist and called for the impeachment of Chief Justice Earl Warren.

But Kuchel's fellow Californian, Rep. Edward W. Hiestand, said he was a member of long-standing.

House Coalition Wins Tax Battle

AUSTIN

A $42 million tax bill got through the House this week after two days of debate, including a revised version of the Spears-Cannon franchise tax which had been defeated by nine votes earlier in the session.

A coalition of liberals, moderates, and Daniel men were successful almost at every turn in sending to the Senate a diverse measure with amendments taxing air-conditioners and jukeboxes, changing certain bookkeeping methods to close loopholes and provide additional money for the embattled general revenue fund, establishing a new gift tax, raising license taxes on compact cars, hitting inter-state corporations under a new franchise formula, and channeling bonuses and delay rentals from the permanent to the available school fund.

House conservatives, choosing to contest the deficit-retiring measure both in part and in toto, picked Ben Jarvis of Tyler, Ben Atwell of Dallas, Marshall Bell of San Antonio, and Will Ehrle of Childress to fire the mightiest salvoes. After the shifting side-battles over damaging amendments, the winning coalition was victorious by 22 votes on engrossment Monday and by 25 on final passage Tuesday.

By far the closest and most crucial fight of the two-day debate centered around the $8 million franchise tax, sponsored principally by Franklin Spears, San Antonio liberal, after revisions in the earlier bill (Obs., Feb. 25) allowing corporations to deduct long-term indebtedness and the value of a manufacturing plant.

Crowded galleries watched as the conservatives won their only important victory on Spears motion to table an amendment by George Preston, Paris, which would have stricken the franchise tax from the bill entirely. The voting was close, and it took a verification to confirm that the Spears motion had lost, 74-72.

Realizing that the Preston amendment would be a major blow to the entire tax bill, liberal and moderate floor leaders clustered about the clerk to find out how wavering members had voted, then sent Spears to the front micro-

phone with urgent requests to stall the final vote on the Preston amendment itself while they worked the floor.

Shift in Votes

The young San Antonian, visibly angry, proceeded to deliver perhaps the most forceful speech of the session. "There has been talk about penalizing industry," he said. "We're not penalizing industry. Every state in the union except two has a multi-factor base such as this. You've got no problem with the corporations with all their property and sales in Texas. They pay 100 percent of their capital—and that's three-fourths of the businesses in this state and 33,000 corporations.

"One-fourth of them have an advantage only one other state gives. It's an advantage that should be rectified so that the multi-state corporation will be paying on the same par. You can vote against this bill if you want to favor the large interstate corporations and penalise further the domestic corporation. It's an unfair proposition to create and maintain this inequitable tax advantage."

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Closely Fought Senate Race Into Homestretch

AUSTIN

And then there were 65.

At last count, the senatorial race had declined to that still-clogged number, from its peak of 72. Actually only 71 names will appear on the ballot, which more than two million Texans are eligible to mark this week, because one of the minor candidates backed out in time to have the secretary of state erase his name. Others have subsequently withdrawn.

As the candidates came pounding down the homestretch, one could tell from the noise that it wasn't a neck-and-neck race, but there was too much dust to tell who was ahead.

In a real achievement, the Baptist General Convention hunted around until it actually found one issue on which all of the Big Six could agree—federal aid to education.

That is, they all favored one facet of the program, withholding tax funds from church-related schools.

The Convention, which polled the candidates on this point, added, however, that Gonzalez saw nothing wrong with giving tax aid for the transportation of children to parochial schools.

Reports of campaign contributions began to trickle into the Senate secretary, and a preliminary tally showed Will Wilson receiving more than any other candidate, $9,695, with John Tower close behind, $9,637, and Blakley next with $8,562.

On the expenditures list, the output of Tower, Wilson, and Blakley accounted for three-fourths the total.

Jim Wright Speaks

Congressman Jim Wright, in El Paso, praised the appointment of that city's mayor Raymond Telles as ambassador to Costa Rica, said it was a healthy step away from appointing diplomats as a political reward and toward appointing them on ability. He said he wanted to "abolish the mink and limousine atmosphere of U.S. embassies in countries where many of the people are barefooted."

The El Paso Herald-Post endorsed both Wright and Will Wilson as "best."

Referring to the Capehart housing scandal at Fort Bliss, Wright said he favors less government construction for military personnel and an increase in housing allotment to let the military people find their housing within the community.

In Fort Worth, his hometown, Wright said he would fight to the last to block President Kennedy's order to halt B-58 production at the Convair Aircraft plant as soon as present orders are filled.

In Dallas, Wright said on a television show, "I was a Democrat in 1952 and in 1956 when Sam Rayburn was looking all over Texas for Democrats while others in this race who now call themselves Democrats could not be found." This was apparently a reference to Blakley, who backed Eisenhower in those campaigns.

But as to his position within the Democratic Party, Wright said: "Texas wants a senator who will not be dominated by extremes but will make up his own mind on the various issues—not representing any one segment.

"Above all, I believe Texans will prove that they are not going to let this Senate seat be controlled by any majority, whether it be of the right or the far left."

Aimed at the far right was his statement in Houston that he will call for a congressional investigation of the John Birch Society, a secret society whose members say they are only trying to rid the world of socialism.

Avoids Extremes

Wright said: "In the extreme left are the remnants of a philosophy which sprang up in the depression of the 1930s, teaching that enterprise is evil and business is basically bad. . . . Their only solution is to socialize.

"Yet another segment of the economy at the other far extreme is a little group so brainwashed by a barrage of one-sided propaganda that they have come to view their own government as their greatest enemy."

He likened the John Birch Society to Hitler's regime and to the Ku Klux Klan.

Republican Tower has not escaped Wright's wrath for being what Wright called "a puppet who has to rely on 'the Republican National Committee to send in outside speakers to tell Texans what he thinks."

This was a reference to the recent pro-Tower visit by Arizona Sen. Barry Goldwater, who this week said he admires many of the people in the John Birch Society.

Meanwhile, Wright himself was coming under attack. Liberal candidate Maury Maverick Jr. assailed him for failing to support President Kennedy's $1.25 minimum wage program and for opposing unscrupulous labor leaders when unemployment is the real issue.

Blakley Amigo

Interim Senator William Blakley, the cowboy with solid gold spurs, was riding high with such new support coming in as that

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Hot Charges Swapped at Campaign's Close

(Continued from Page 1)

of the Latin American Press Association and its member papers, which have considerable readership in Texas.

"Senator Blakley is a good friend of Latin America," said Association President Santos de la Paz of Corpus Christi, publisher of La Verdad News.

Blakley headquarters was also handing out the results of a poll taken by the Houston Press in a traditionally conservative neighborhood of Houston. Of the 90 poll tax payers interviewed, 31 went for Blakley, 27 for Tower, 15 for Will Wilson, and eight for Jim Wright, the Press reported.

Rep. Wesley Roberts, who ran a one-legged race for the Senate seat before dropping out in favor of Blakley, said 61 members of the House would spend the long weekend campaigning for Blakley, but he could name only 23 of them:

J. Collier Adams, Lubbock; Mrs. Myra Banfield, Rosenburg; Ben Barnes, DeLeon; Bob Bass, DeKalb; Marshall O. Bell, San Antonio; Jerry Butler, Kenedy; Jack Connell Jr., Wichita Falls; George H. Cook, Odessa; Jack Crain, Nocona; David W. Crews, Conroe; Will Ehrle, Childress; W. S. (Bill) Heatly, Paducah; Ben E. Jarvis, Tyler; Robert Johnson, Dallas; Truett Latimer, Abilene; Gus Mutscher, Brenham; James E. Nugent, Kerrville; W. T. Oliver, Port Neches; David Read, Big Spring; Wesley Roberts, Seminole; W. E. (Pete) Snelson, Midland; Wade F. Spillman, McAllen; Billy Newton Walker, Cleveland.

Rep. Don Kennard, Fort Worth, one of Congressman Jim Wright's staunchest supporters, called Roberts' statement "typical Blakley double talk."

Illegal Franking?

Blakley also picked up the support of Judge Clyde E. Smith, associate justice of the Texas Supreme Court, who said Blakley "has shown great ability."

In Houston, Blakley again said he was stoutly opposed to both the Kennedy - sponsored Peace Corps and the program for aid to depressed areas, the first being "the greatest opportunity for Communist infiltration anywhere it is applied" and the second being "a blueprint for socialism."

In El Paso, he said he was for that city's continuing to get a large share of defense spending, and in Beaumont he vigorously protested the closing of the air bases at Harlingen and Del Rio and Port Isabel. He said he had fired off a batch of telegrams to Kennedy and others in Washington.

Blakley came to the end of his campaign under heavy bombardment, especially from his conservative and moderate opponents. Republican candidate John Tower, for example, accused Blakley of "using the franking (free mailing) privilege to send election literature."

Mad Maverick

Possibly the most aggressive of the Big Six candidates this week was Maury Maverick Jr., who had some tart words for several of his opponents.

In Galveston, he said Attorney General Will Wilson and Interim Sen. Blakley are more Republican than Democratic, that Blakley is against "the whole Kennedy program" and Wilson is just as much an obstructionist but more selective.

Maverick needled Congressman Wright for being in Texas campaigning when he should have been in Washington, and he pointed out how his failure to be there possibly resulted in the defeat of Kennedy's wage bill, which failed in the House by one vote.

In San Antonio, Maverick campaigned for two hours at the Kelly AFB gate. His mother, widow of the late congressman and mayor of San Antonio, joined the campaign trail in his behalf, appearing at several dozen teas.

Maverick made a pitch to civil service employees this week, urging a program that would allow them to retire after 30 years service no matter what their age, set up a better grievance hearing system, and block civil service-type work being done by the military.

In Fort Worth, Maverick spoke out for Kennedy's aid-to-education program, saying "The place where teachers got kicked around was Austin, not Washington. I respect Uncle Sam more than I respect the usual Uncle Allan Shivers types in Austin."

Indifferent to Aid

Maverick brushed aside the endorsement of Gov. Price Daniel and J. Ed Connally, chairman of the state Democratic Executive Committee, which went to Blakley, saying "That crowd was against me to begin with."

He said he was proud instead to be backed by Dist. Judge James Sewell of Corsicana, former chairman of the Democratic Advisory Council; Minnie Fisher Cunningham and Mrs. R. D. Randolph, former Democratic national committeewomen; Mrs. Jud Collier, Mumford, former state Democratic women's chairman, a number of academic leaders, and the Council on Political Education of the State AFL-CIO.

Maverick says he expects to cut into the Negro vote and also win wide support of the "small, independent farmer."

A Houston Press poll of seven liberal precincts showed, of 114 persons surveyed, Maverick leading with 26, Gonzalez with 17, Wilson 8, Tower four, Wright three, Blakley none, and ten undecided.

But the same poll showed a 45.6 percent drop in poll tax carriers from the 1960 general election strength—no happy thought for liberals.

Appearing at a Greek Independence Day celebration in San Antonio, Maverick drew laughs when he said his father had sometimes been known as "Maury Maverickos."

Wilson on Offense

Attorney General Will Wilson, in what is for him an unusually saucy maneuver, this week suggested that Republican candidate Tower apologize for "falsehoods" and then get out of the race in shame.

Wilson headquarters said their man was irritated into this outburst by Tower's spreading the rumor that Wilson was once rebuffed by the Texas supreme court for filing a bad motion.

In Houston, Wilson called this "an absolute falsehood" circulated in "unsigned slander sheets" and that Tower, whom he blamed for his troubles, should publicly apologize, then fire his "psychological warfare expert and adviser," and finally withdraw from the race. Wilson shot the advice to Tower by telegram.

Tower responded that the information—which he denied circulating—came from an Associated Press story of March 19, 1959, but in Austin the Associated Press said the story contained a transmission error, referring by mistake to "the attorney general" instead of simply to "the attorney." The AP corrected it the next day.

Wilson said up to this week the state had been pretty apathetic about the Senate race, but now he saw a great surge of concern over the decision that must be made April 4.

In McAllen, deep in Latin American land, Wilson said the citizens of South Texas should be put to good use as missionaries for the American way of life by employing them in Kennedy's Peace Corps or similar efforts that would take citizens of this country into Central and South America.

Right-Leaning Tower

Former government professor John G. Tower of Wichita Falls did his best during his final week of stumping to prove that he is more conservative than Blakley, despite Blakley's protests to the contrary.

Saying the "conservative approach is the constructive approach," Tower repeated his opposition to a number of things in the Kennedy program or proposed by Texas Democrats.

Tower, at 35 the youngest of the major candidates, boasted, "I have no influence with Lyndon Johnson or Sam Rayburn — and they have no influence with me."

In Houston, Tower offered the taxpayers "a quick, sure-fire way to save half a million dollars—just elect me April 4 so overwhemingly there will be no runoff."

That sounds good to former governor Coke Stevenson, who endorsed Tower by saying: "John Tower's platform and his public statements agree with what I have stood for all my public life."

Stevenson joined Tower's advisory committee headed by Mrs. Dan Moody, Austin, and Dr. George Hester, Georgetown.

In San Antonio, Tower told a college audience why he doesn't want the federal government to give aid to education.

"It took Hitler only seven years to brainwash the youth of Germany," he said. "We can't be smug and say it can't happen here."

He appeared on the same platform with liberal Sen. Henry Gonzalez in Alice in what amounted to a semi-debate, although the two men are so far apart in their political philosophies they couldn't find enough in common to really argue about.

Not surprisingly, Tower predicted that if Kennedy's programs aren't blocked by Congress, "there will be a round of inflation."

Galloping Gonzalez

State Sen. Henry Gonzalez, still busy as a political one-man band, bounced around the state spreading his particular gospel of liberalism, warning in Harlingen that trade relations between this country and others are in bad shape, and suggesting that "a senator from Texas at this time can play an important role in formulating the policies that will result in increased business between our nation and those nations south of us."

His wide appeal with the Latin American population of Texas was tacitly acknowledged by Wright in El Paso when he appealed to the Latins of that area "not to employ discrimination in reverse" in their voting.

In Midland, Gonzalez said an international oil cartel is responsible for the problems of the domestic oil producers.

He vowed that if elected he would help try to destroy the secret pacts under which these international cartels have achieved their power over the oil industry.

To a group of supporters on the campus of the University of Texas, Gonzalez again scorned the state department's "Latin American program," saying there "ain't no such animal when you are dealing with 21 separate countries. You don't have a program—you have 21 programs, if you mean to succeed."

Tireless Gonzalez, who has met every day with the Senate and yet traveled as far as any candidate in the race, will campaign right down to the deadline, spending his last two days in his hometown, San Antonio.

He has scheduled a hand-shaking session with Transit Company employees at 4:30 a.m. on one of the deadline days, followed by more hand-shaking at three roll calls at the police department before taking off for Austin

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Will's Middle-Road Stance

DALLAS

Attorney General Will Wilson, hometown boy trying to make better, returned to Dallas this week physically exhausted from the campaign trail but still gamely battling for a top position in the Senate race.

Wilson has made 22 regional television shows and two statewide shows while traveling 15,000 miles over the state in the last month.

For the last two weeks, he has maintained a 7 a.m. to 2 a.m. schedule regularly—shaking hands with workers as they pour out of their factory gates (he got up at 5 a.m. for that chore in Borger), having coffee with ladies clubs, speaking to luncheon clubs.

His eyes are bloodshot. He has shaken hands and said thank you so many thousands of times that he does so now like a genteel robot. Never a master orator, frayed nerves now roughen Wilson's style even more by causing him to lose his place in his speech notes, his voice fading away.

But with the luck that has followed him through 14 years of politicking for major offices, even this roughness seems to work in Wilson's favor, for some equate it with an intense, groping sincerity. Others, judging the exhaustion for what it is, swing to his support more solidly as an "underdog" fighter, though it has been more than a decade since Wilson was anything remotely similar to an underdog.

WW Demo

The Observer visited with Wilson here in his Skyway Suite in the Adolphus, filled with campaign aides and the usual political camp followers, and heard him make one of his most aggressive speeches, at a $20-a-plate luncheon in the Baker. Asked if he were a "Franklin Delano Roosevelt Democrat," he had smiled and said, "I was for Roosevelt when he was alive. But now I guess you would call me a Will Wilson Democrat."

Looking at his platform and his campaign speeches, one gets the impression this is literally true. He can't be measured by any standard but himself, and that self has very little to do with predictive promises. Wilson is an ad hoc man. Wilson's philosophy: "coming out with a commonsense compromise that will hold the world together."

Campaign promises, he said, are supposedly built on the logic of assessed need. Wilson says this is why he has made so few specific promises: "I distrust logic. I prefer the empirical process. Logic was medieval. The Renaissance brought the scientific process into supremacy over logic, and that's what I go for, the scientific process. My first college degree was scientific—in geology—and it's always shaped my thinking."

In his luncheon speech he had said, "I for one approve of the Dallas school system's bringing into its curriculum the teaching of the dangers of communism, the true meaning of communism." The Dallas program has been attacked by many liberals as simply a vehicle for conservative Dallas to ride in its assault on progress.

If he thinks the Dallas program is so good, why not advocate it as required teaching in all Texas schools, in line with the present Texas history and government requirement? "I don't feel like compelling school boards to fix their curricula," he said. "I'm not too familiar with it (the Dallas anti-communism program). Of course, I think such programs ought to be confined to analyzing the countries that are communistic—how they select their legislative bodies —I suppose that varies—how much influence their legislators have, and that sort of thing."

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Q. and A.

The rambling interview continued along these lines:

Question: "You are called a moderate, Judge Wilson, but to win this thing you are going to have to cut into the liberal ranks. What have you to offer the liberals that Maverick and Gonzalez haven't promised?"

Wilson: "I offer them a chance of winning. That may be the most concrete thing I have to offer them. If I don't get their support, they may have to settle for a Blakley or a Tower."

Q: "You're not offering yourself to the liberals as the lesser of three evils, are you?"

Wilson: "No, no. I mean I'm the best friend the liberals have among those with a chance to win. I like Maury and Henry, and I think they have always supported me in the past. No, don't put that down. I can't put words in their mouths. Just say I like them."

Q: "Now, you offer to fight for the continuance of the 27½ percent oil depletion allowance. As a matter of fact, this is no campaign issue at all, is it? All the major candidates support the depletion allowance, don't they?

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'Me or Else'

Wilson in Dallas

(Continued from Page 2)

Wilson: "That's true. This is not a difference between us. This is not a state level issue."

Q: "In your luncheon speech you said, 'I would cut back foreign aid. I don't say I would eliminate it, but I certainly would eliminate support of businesses that compete with U.S. businesses. I would start sending them people instead of money.' Would not this be a radical reduction?"

Wilson: "I wouldn't be radical about foreign aid. Maybe I sounded too strong on that point, but I just wanted to make it clear that foreign aid hasn't done the job. I'm for President Kennedy's Peace Corps and I think that is a move toward the right kind of foreign aid. I would favor also developing a corps of senior citizens, real specialists in professions, to send abroad. In many ways this is a sounder idea than a peace corps composed solely of young people. Well, maybe I shouldn't say 'sounder,' but we know that older professional people can often get the job done where younger people can't."

Q: "What about medical aid to the aged under social security?"

Wilson: "I favor the state approach first. We passed a constitutional amendment to give aid to the aged, but with no financial provisions. We've got two bills up this time to give it financial support. I'd like to see that system tried first."

Q: "By 'first' do you mean that if you went to Washington soon you wouldn't give immediate support to the Kennedy program for medical aid to the aged?"

Wilson: "No, I wouldn't. But I would favor raising the compulsory retirement age from 65 to 72, to let our older folks extend their productive years and pay their own way with pride. I would also favor increasing the amount retired people could earn without losing some of their social security."

Q: "You say you would favor federal aid to education only if it were given without any efforts at control of teaching methods or textbooks. Right now the federal government is giving millions of dollars to education in Texas. Has there never been any effort to control teaching?"

Wilson: "Well, no, I have never heard of any control effort. But I am against control."

Q: "In your speech you said, 'They (the Cubans) are pumping into the United Press and Associated Press a steady stream of communistic propaganda for Latin America. They are turning out textbooks with communistic propaganda for Latin America. We see red flags flying everywhere. We've got to start doing some infiltrating of our own. I would like to put them (American specialists) in every town and village in Latin America as salesmen for free enterprise.' That sounds like you would make the Peace Corps a corps of propagandists. Is that true?"

Wilson: "No—well, I would expect them to propagandize in the same way the word is used in the Bible—to propagate the word. I want to make them missionaries for our way of life."

Q: "Where are you getting most of your campaign money?"

Wilson :"From the folks who've got it. Not many politicians have had any luck soliciting $1 for 100,000 people."

Q: "How much money do you expect to spend on your campaign?"

Wilson: "I don't know. We've got 200 active committees. The committees pay for the television time, I don't. So I don't know how much we'll spend."

Wilson: "What I'd like for you to emphasize is, there are three people with the possibility of making the runoff—Blakley, Tower, and myself. Others might, but in my judgment, no. Two of the three will be in the runoff. Let the liberals decide which they'd like to choose between."

Q: "Would you rather be in the runoff with Blakley or Tower?"

Wilson: "Oh, Tower. For two reasons: he's Republican—and he hasn't got as much money."

Wilson is a native of Dallas, born here in 1912. He was awarded the bachelor of science degree in geology by the University of Oklahoma in 1934, and in 1937 he received a bachelor of law degree at Southern Methodist.

"When I came out of school with my geology degree, there were no jobs in the oil industry, so I didn't see much future in that," he said.

He practiced law in Dallas from 1937 to 1941, was assistant attorney general the next two years, went off to fight in the South Pacific—where he was be-medaled for bravery—and returned to serve two terms as a hard-fighting, racket-busting DA in Dallas before winning election to the Supreme Court in 1950.

In 1956 he was elected attorney general.

He is quiet-spoken and scholarly. Texas politicians, even those critical of Wilson, agree that his word is good.

B.S.

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'Political Expediency'

AUSTIN

"Political expediency" was Dallas representative Tom James' accusation before the House Thursday on the general investigating committee's decision to postpone until after the April election release of the Jefferson County vice probe report.

James, speaking on personal privilege, said the people of the state should "have before them prior to the time they are called on to vote in the senatorial election these important revelations regarding the record of public service of Atty. Gen. Will Wilson."

James has been highly critical of what he has called Wilson's lack of diligence in clamping down on crime in the Beaumont-Port Arthur area.

The investigating committee decided not to release the detailed report at this time after a tie vote was broken by Rep. Menton Murray of Harlingen, voting to withhold.

Murray said if the decision was wrong "I assume the entire responsibility. I'm not a politician."

Murray explained he voted the way he did because he didn't think it was right to lay out the report while the members are not in session.

"Volume one of the report is on the John Milton Addison case. Volume two is on the Beaumont case," he said.

James took the floor right after Murray had explained why the reports would not be distributed until after Easter.

James protested that he and the investigating committee, of which he previously was vice-chairman, had "attempted to ignore politics and political consequences" and that to withhold the report was "to depart from this policy," which is "most regrettable."

Lawmakers Find Funerals Touchy Subject

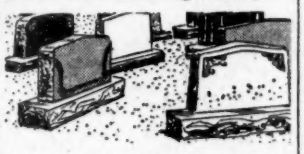
AUSTIN

In trying this week to close what they took to be serious loopholes in the present "pre-need burial merchandise law," Sen. A. M. Aikin Jr. of Paris and Rep. Charles Sandahl of Austin were berated by a large turnout of cemetery owners and some funeral directors.

"It is a strange sensation to be denounced by the very people you are trying to aid — law-abiding businessmen," said Sandahl.

A state law passed in 1955 requires that when companies sell a "pre-paid burial merchandise policy dependent on the indeterminate date of death of the contracting party," they must set up a reserve fund to guarantee that when a person dies, the services he paid for will be forthcoming. That law exempts religious and fraternal and non-profit organizations.

Another state law forbids funeral homes from soliciting business.



"Well," said Sandahl, "some of the people in that line of business soon found ways to get around it, first by selling policies that expired in '20 years or sooner,' which removed their activities from the law, which specified 'indeterminate date,' and secondly by operating their funeral homes in connection with a non-profit cemetery. Cemeteries can solicit business.

"Really, their gimmick was cute in a way. I have to admire their dexterity. Some of these cemeteries — non-profit, remember, so that takes them out from under the law — sold debentures, saying they would take care of everything at death: casket, service, stone, plot, everything. The debentures didn't have to be used that way; they just said they could be used that way—another means of getting around the law requiring a reserve fund."

Tight Squeeze

So Aiken and Sandahl hit the legislature with a bill that would leave religious and fraternal organizations under the exemptions, but exclude non-profit organizations.

Sandahl admits they wrote the bill too tight. Down came the cemetery owners (most of whom have no interest in funeral homes) in wrath, fearing that the bill would prohibit their selling stones and sites ahead of time.

Quickly Sandahl and Aiken put "non-profit organizations" back under the exemptions and spelled out "gravestones, niches, grave sites" as being among the exempted pre-paid burial merchandise. But their amendments came too late to get the problem back in focus. The cemetery owners on hand continued to oppose them, and they applauded when Sen. George Parkhouse, Dallas, said:

"Isn't the main reason for this bill that when a person dies his family is more susceptible to buying than he is when he makes arrangements in advance? You want to get ahold of people when they're in deep sorrow and they'll buy anything."

Alas, not so, said Sandahl. "We don't care how much pre-paid burial merchandise they sell, so long as they comply with the law by setting up a reserve. But if the law is full of loopholes, we should block them or throw out the law."

94-44 Vote

Race Issue Raised

AUSTIN

After efforts by East Texas segregationists to defeat it, the House this week approved the amendment to the federal constitution giving the District of Columbia three electoral votes in presidential elections. The vote was 94-44.

The House action had no immediate importance, since New Hampshire and Kansas the next day became the 37th and 38th states to approve the measure, placing it in the constitution as the 23rd amendment. But as an exercise in oratory, the debate was highly interesting, and perhaps symbolic of gradually changing attitudes.

Charles Wilson, liberal from Trinity in East Texas and a co-sponsor with Jack Connell of Wichita Falls, said: "This bill gives 760,000 citizens who pay federal income taxes and fight in our nation's wars, the right to vote for president of the United States." He said the amendment had been endorsed by Sen. Ralph Yarborough as well as "that granddaddy of all liberals, Judge Howard Smith."

Ben Jarvis, Tyler conservative, asked Wilson the percentage of Negroes living in Washington.

"Between 53 and 54 percent," Wilson replied.

"Don't you think that's a strong integration city?" Jarvis asked.

"I don't think that makes any difference on this bill," Wilson answered.

W. T. Oliver, Port Neches conservative, asked Wilson if he would accept an amendment adding Guam. Wilson said he would not.

Then Joe Chapman, veteran segregationist from Sulphur Springs, took the front microphone. "Just about 20 years ago," he said, "I left Texas to accept a job in the beautiful city of Washington. When I arrived in Washington it was a beautiful city." He said he was impressed "by the beauty of the Lincoln Memorial, the Jefferson Memorial, the Mall.

"At that time they were trying to give Washington, D.C. home rule." He said he opposed it then "and I still oppose it now.

"Our forefathers had the foresight to lay off Washington, D.C. as a separate district," he said. "I don't think the people of Washington have any more claim on our national city than we do down here."

Chapman noted that the population of Washington "is more than 50 percent colored, and more than 70 percent of the school children are colored." Twenty years ago, he said, the city was 75-80 percent white.

He asked the House to oppose the amendment "to try to keep our federal city a beautiful city, where school children can go to look at those beautiful memorials and the national art gallery.

"We should join our sister state Arkansas and defeat this proposal —for the beauty, welfare, and good not only of Washington but of the whole United States."

Kika de La Garza of Mission, closing the debate, drew laughter when he said, "I know why my colleague is against this resolution—and he knows I know.

"You talk about liberty, dignity, and tranquillity," he said. "Twenty years ago, when our colleague went to the Lincoln and Jefferson and Washington Memorials, the lives and characters of those men apparently didn't make much of an impression on him—only the stones in the statues did.

"Lincoln, Jefferson, and Washington all said we are all created equal," de La Garza said.

"Texans will be a lot better off and be a lot better Americans by passing this than by taking off our shoes and following our fellow state Arkansas." There was applause in the chamber when he concluded.

Observer Notebook

AUSTIN

CLARENCE AYRES, distinguished University of Texas economist, was one of 250 American educators who signed an American Civil Liberties Union statement proposing abolition of the House Un-American Activities Committee. The statement asked abolition on grounds that it has "repeatedly undermined the freedom essential for national well-being."

"I do not feel that committee has added anything to the work of the FBI," Ayres told the Houston Chronicle. "I have the highest regard for the FBI and feel they are doing an adequate and outstanding job," he said. The committee is sincere but overzealous, he said, which results in intimidation of witnesses and critics.

• • •

GLEN C. McDANIEL, vice-president of Litton Industries in Los Angeles, told SMU ex-students in Dallas that the arts are important "to awaken mankind to higher purposes than mere material comfort. He praised the SMU fine Arts Project, to cost $4,500,000, as a necessity to build the "whole man."

Military power is not sufficient to force back communism "even though we know the philosophy is a fallacy. We know that capitalism can bring greater prosperity to people who are capable of practicing it than any other system," he said.

"So it becomes a matter of communication. The fine arts, perhaps, can point up more clearly than more conventional methods of expression the fatal deficiency of the communist system," McDaniel said.

• • •

CHANDLER DAVIDSON, chairman of Students for Direct Action at the University of Texas, said the group which has been seeking to integrate Austin theaters will advertise their cause in New York City. Money is being raised to purchase a full-page ad in the New York Times, he said. College students and "famous personalities" will be asked to contribute.

• • •

EXTENDED UNEMPLOYMENT compensation, at a $30 million cost to the state, will be available by the middle of April. The Texas Employment Commission has just signed the agreement with Labor Secretary Arthur Goldberg putting into effect the act which has passed Congress and was signed by Pres. Kennedy last week.

Amounts equal to half their former unemployment payments will be available to workers who have exhausted their benefits or are otherwise eligible. Perry Brown, Commission chairman, said 60,000 Texas workers have exhausted their unemployment comp since last June. About half will be eligible for the extension.

Maverick's Excellent Chances

As the Senate campaign nears its close, we reaffirm our strong conviction that the man we have endorsed is the most outstanding and the most able candidate in the race. We urge all Texas liberals who are faltering in their final choice to rally now behind Maury Maverick Jr.

It has not been a happy experience, though as a lesson in the hard geometry of provincial politics it has been an enlightening one, to see the disagreement in liberal ranks during this campaign. Henry Gonzalez is a fine and courageous leader, a man who deserves the admiration he has inspired. When this race is over, we will join again in our common hope for a better and more humane and more civilized Texas.

But the Observer, as a journal for liberalism in our state, would have failed in its responsibility had it not chosen, out of a large and confusing field, the one candidate it sincerely considered to be most worthy, all factors considered, of liberal support. We have been more and more impressed, as this campaign has progressed, by the eloquence, the toughness, the simple human compassion, and the dogged political courage of Maury Maverick. He has gone into West Texas and spoken the truth about the oil majors. He has gone into East Texas and spoken the truth about race. He has travelled the Houston boatdocks saying he is proud of labor's endorsement, pledging he will continue to work for organized labor so long as organized labor continues to work for the betterment of the greater society.

He has defended, forthrightly and without equivocation, the $1.25 minimum wage, medical care for the aged under social security, aid to depressed areas, urban renewal, equality and opportunity regardless of race. Time and again he has declared his sympathy for the revolutionary and reforming impulse in the underdeveloped and impoverished areas of the world.

With the Kennedy program having caught the imagination of a nation glutted with private indulgence, Maverick has stood firmly behind the young president. There is evidence that his firm stand has, in some instances, induced others in the campaign—"moderates" like Wilson and Wright—to acknowledge its persuasiveness and endorse two or three of the more tepid Kennedy proposals. Maverick's campaign has been good to watch. It has been good for the state of Texas.

Between two men of equal principle, the argument of better political chances in an election most assuredly has its place, and Maverick has an excellent chance of reaching a second primary. In the last several weeks, labor support throughout the state has grown stronger and more effective. Outstanding intellectuals like Dobie and Webb have joined his cause. His persistent slogan, "A Roosevelt, Kennedy, Yarborough Democrat," has been making it proper impression.

Maverick stood a somewhat suspicious sixth in a Belden poll taken in late February. Two weeks later, in another professional poll sponsored by the Will Wilson forces, he had jumped to fourth, ahead of both Wright and Gonzalez and only four percentage points behind Wilson. Two more weeks have passed since then, and his campaign has been growing stronger every day.

The neanderthal Tower, the "millionaire's conservative" and race-baiting Blakley, the drab and unimaginative Wilson, are all cutting deeply into the conservative vote. Wilson has been slipping, and Tower and Blakley have been knifing into one another's strength over which of the two is the "true conservative." Let those who believe, as Wilson does, in standing still, and let the Towers and the Blakleys who think it now possible to return to the snug 19th century America of the village blacksmithy, support the myths and share the votes.

Maverick's chances may yet depend on the support of those liberals—in good faith either undecided until now or previously more sympathetic toward other candidates — who will pause for a stern evaluation.

With so much at stake in this race, with the solid chance that we can send to the Senate a man who, with Ralph Yarborough, would give Texas one of the outstanding senatorial delegations in the nation, we urge the wisdom and the necessity of rallying now behind Maury Maverick.

'a maverick for the senate'

★ ★ ★ ★ ★

Archer's Stand

Archer Fullinghim, poet laureate of the Big Thicket and editor of The Kountze News, wrote this week on the Senate race:

"

The truth is that the voters have little choice between Tower, Blakley, and Wilson. All are conservatives and all are opposed in whole, as Tower and Blakley are, or in part, as Wilson is, to President John Kennedy's program for schools and medical aid to the aged.

Wilson has been extolled by conservatives for upholding what they call the "Texas position". Don't think the Houston Chronicle would ever come out for Will Wilson as it did, if it were not certain that he would vote against the Kennedy program.

THE ONLY CANDIDATE in the race who will tell you exactly how he will vote is Maury Maverick of San Antonio, who describes himself as a "Franklin D. Roosevelt, Ralph Yarborough, John Kennedy Democrat."

The way I see the race now differs sharply from the outlook several weeks ago. Then I predicted that Wilson was in the lead. The way I see it now, Wilson is slipping and slipping badly. He's too much like Tower and Blakley. Wright doesn't say anything that you can remember. Stop right now and see if you can peg Wright. See if you can remember anything positive he has said. Just anything.

THE ONLY bright, definite color in the race is the positive, dynamic program of Maury Maverick. His personality and political philosophy stand out above all others.

"

A Good Week

It was a good week in the legislature, the best of the session. The conservative tactic to delay all tax measures, hence building up pressure for one giant tax bill which could only be a sales tax, met with total failure. They chose to fight the partial deficit-retiring program in all earnestness; perhaps their decision was a major mistake. For they sent Bell, Jarvis, Atwell, and Ehrle to the microphone, they warned of dire consequences, and they were roundly beaten.

The crowning irony, of course, as any straight-speaking member of the House will tell you, was Mr. Ehrle's swift defense of small Texas business against the large interstate corporations. He accused Eckhardt of selling out to the big-boys up East. He produced a set of figures on his "small drug company in Childress, Texas," which left everyone slightly confounded. He refused, and wisely so, to yield for questions. It was a most curious performance.

Apology

In a column in the February 25 issue, former Observer editor Ronnie Dugger, referring to Sen. Henry Gonzalez, said he had voted with the people every time with the exception of one time when he "ducked an issue on loan sharks." Sen. Gonzalez has asked for the date and occasion.

Mr. Dugger and Sen. Gonzalez met in the Dallas airport just after the column appeared. Mr. Dugger, who told the senator he had a strong personal recollection of the instance, was under the impression the matter had been cleared up. Sen. Gonzalez, however, asked this week for verification.

If and until documentation can be supplied, we offer our apologies to Sen. Gonzalez and ask our readers to disregard the statement.

THE TEXAS OBSERVER

Published by Texas Observer Co., Ltd. Entered as second-class matter, April 26, 1937, at the Post Office at Austin, Texas, under the Act of March 3, 1879.

APRIL 1, 1961

Willie Morris
Editor and General Manager

Bob Sherrill, Associate Editor

Sarah Payne, Office Manager

Ronnie Dugger, Contributing Editor (on leave)

Published once a week from Austin, Texas. Delivered postage prepaid $5 per annum. Advertising rates available on request. Extra copies 15c each. Quantity prices available on order.

EDITORIAL and BUSINESS OFFICE: 504 West 24th St., Austin, Texas. Phone GReenwood 7-0746.

HOUSTON OFFICE: Mrs. R. D. Randolph, 419½ Lovett Blvd., Houston 16, Texas.

'It's Not Much'

The little orphan girl hurried through the falling snow, her ragged coat wrapped tightly about her to protect her from the gnawing wind. The cathedral loomed suddenly in the darkness, and there was the sound of Christmas music and of bells. The little girl went inside and quietly lay all her cherished belongings there near the altar.

—a popular Christmas tale

*

The Citizens for a Sales Tax have swept Texas. Chairman Tom Sealy and lobbyist Searcy Bracewell have told us, in warm, glowing terms, how

the simple, average citizen of our state has chipped in with his modest $1 contributions in order that a general retail sales tax, with or without exemptions on food, medicine, and clothing, might become a reality.

We can see it now, the vast pilgrimage to the Citizens for a Sales Tax office in the Perry-Brooks Building in Austin. A little orphan girl from El Paso quietly opens the door and with muted footsteps walks over to Tom Sealy's desk, leaving her nickels and pennies; an old-age pensioner from Kerrville nervously, eyes averted, places a crumpled dollar bill in Sealy's hand; the wife of the migrant worker from Brownsville, after a hard day's journey on Greyhound, unties a soiled old handkerchief containing four bright, shiny quarters. "It is not much," she says, "but it may help just a little."

*

Some 2,500 persons, Sealy says, have contributed their one dollars to the cause—"although, of course, there were a number of larger or combined contributions."

In the sales tax hearings this week, members of the House tax committee persistently asked Sealy where the organization has gotten most of its money. He would not answer. Jim Cotten wanted to know if he and Bracewell were getting any money for their lobbying. He would not answer.

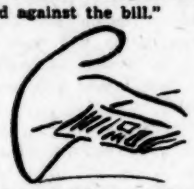
Although they brought in utopia and the war heroes, the Citizens were plainly the losers under those hot volleys. The committee registered its point well: a general retail sales tax would hit the lower income groups proportionately harder, in many instances considerably harder, than it would the $10,000-plus brackets. Let these lower-income people with their large families feel the tax, Rep. Harding said; after all, they do crowd our schools and our welfare rolls. When the Citizens finally admitted that their tax was, indeed, regressive, the admission came as no surprise. Fairness in taxation is, after all, a most ill-conceived doctrine.

Teacher Bill Stirs Keen Swordplay

AUSTIN

Rep. Henry Grover, ex-history teacher of Houston, and L. P. Sturgeon, director of public relations for the powerful Texas State Teachers Association, clashed face to face this week in debate over Grover's bill to cut in half the number of courses required for teacher certification.

Said Sturgeon: "I have heard it stated that teachers are for this bill . . . I think I can say with confidence 95 percent are against it. During the last three weeks our 13 districts have held conventions and all have gone on record against the bill. The 800 members of our house of delegates went on record against the bill."



Responded Grover: "One member of the state board of education came to me and said they had passed a resolution against the bill and that he would like to see a copy of the bill they were against. He said the board had spent only 15 minutes discussing it, and that they hadn't read it.

"Mr. Sturgeon used the figure 800. I sent out 800 questionnaire cards to every part of the state except Houston and El Paso, because I'm from Houston and Miss Maude Isaacks, who introduced a bill last session similar to this one, is from El Paso, and I didn't want anyone to feel there was pressure. I got back nearly 300 cards. Of these, 195—all but 16 of whom belong to TSTA — favored my bill. Eighty-six were against it.

"When the classroom teacher gets to speak on these things without pressure from administrators or pressure from conventions, they speak their true feelings."

Thanks, TSTA

Rep. Jack Woods, Waco, put in: "Two years ago on the Maude Isaacks' bill, I testified that I knew of 200 teachers in my district who favored it. Well, when I went home, the teachers descended on me. They had been told a lot of things about that bill. I sat down with 40 of them and all but one came around to approving it. You say that 95 percent oppose this bill. That means five percent of Texas' teachers don't oppose it. I want to congratulate you on letting 4,000 teachers disagree with the TSTA."

Sturgeon: "I have heard it said that the bill would attract high caliber people into the profession who otherwise would not teach. I was talking to a master teacher the other day and she said that if the state thought so little of the teaching profession as to pass this bill, she might leave the state.

"There you are, gentlemen. No teacher will ever get rich teaching. Prestige is part of their compensation. This bill says that teaching is not a profession. Under this bill, a person could get lifetime certification by taking six hours of education courses by correspondence, or on Saturdays for four months, or in a junior college." (Under Grover's bill, the 12 hours for a secondary credential includes six hours of practice teaching.)

Grover: "The practical application of this bill would require 18 hours of education courses for a secondary credential and 30 hours for an elementary credential, because our bill does not make psychology the same as an education course." (A course in psychology is also required for the credential.)

Rep. Maco Stewart, Galveston: "On this prestige thing, it occurs to me, you (Sturgeon) may be building this up in their minds. When you sit down and talk with them and get away from the panicky presentation that we are trying to destroy their prestige, they don't feel that way."

There were three hearings on the bitterly contested bill. It is now in sub-committee.

Grover has a few more educational ideas on tap. He also has a bill to abolish the Harris County School Board, the one-cent tax used to support the county school office, and finally to abolish the county school superintendency itself.

• • •

Another Houston representative, Charles Whitfield, lost his fight to keep alive House Bill 126, which would have given teachers a public hearing based on written charges if they were threatened with dismissal.

Typical opposition came from Jack Woods of Waco and Scott Bailey of Cisco, both of whom contended the bill would result in airing matters that they felt should be covered up for the sake of the community.

After being knocked down in committee by a vote of 9-8, Whitfield asked the House to let him bring the bill to the floor on a minority committee report, but the House refused the plea 100-41, and Whitfield acknowledged that the bill is dead.

• • •

The Senate this week approved the measure sponsored by Sen. Hubert Hudson, Brownsville, that allows the State Board of Education to invest the first $400 million of the permanent school funds in corporate bonds, and to invest funds above that amount in corporate stocks as well as corporate and government bonds. At present, the school board is required to invest the first $400 million in government bonds alone.

Interest from the permanent school fund, which now totals about $450 million, is distributed to the school districts on a per capita basis.

★ ★

Compromise Taken On Safety Measure

AUSTIN

Rep. Charles Hughes steered a watered-down industrial safety law through the House Thursday on a voice vote. It now goes to the Senate.

The original bill (Obs., Feb. 25) would have given an occupational board power to make investigations and fix safety rules.

"It's a drastic compromise," the veteran liberal from Sherman said. "We cut out the right of entry and the rule-making power and made it strictly an educational measure." The safety agency under the House bill would only advise and educate.

"We took the compromise because we've got to stop killing these one thousand people a year," Hughes said. "This is a small step forward.

"The original bill could have passed the House probably," as it did in the last session, "but it got the deep-freeze in the Senate then and I knew it would this time."

Oath Measure Gets to Floor In Close Vote

(Continued from Page 1)

stayed in subcommittee."

Voting on the favorable report were chairman Bill Hollowell of Grand Saline, W. T. Dungan of McKinney, Murray Watson of Mart, Ben Lewis of Dallas, Bill Pieratt of Giddings, C. W. Pearcy of Temple, and Jim Markgraf of Scurry. Voting no were Criss Cole of Houston, Charles Sandahl of Austin, Granger McIlhany of Wheeler, DeWitt Hale of Corpus Christi, and George Richardson of Fort Worth.

"The subcommittee report was pending," McIlhany said. "If a person wants to vote for or against a particular bill, it's his responsibility to be at the hearing. The same boys criticizing it might use the same methods on another bill.

"I'm against teaching atheism," McIlhany said, "but I don't think this bill accomplishes the same purpose."

Bill Hollowell, chairman of the committee, said he does not believe the tactics used to report out the bill were irregular. "We've accepted subcommittee reports when they've been offered this session," he said, adding that two other subcommittee reports were brought out with the supreme being bill.

"It's incumbent on all of us to be at committee hearings as much as possible," he said. "There were several for the bill who weren't there, too. Mr. Dungan, I expect, chose the most opportune time and you can't blame him for that."

What does he think of the bill? "I'm generally for the principle," Hollowell said, although amendments may make it a better piece of legislation. "I personally don't feel we should have atheists propounding their philosophy in the public schools of this state—and being paid by the state to do so."

Ben Lewis, a member of the subcommittee along with Dungan and Watson, argued that the bill "was not brought out in any irregular manner. A quorum was present," he said, "and they voted it out.

"Of the members who are complaining," he said, "I think you'll find they weren't there. We couldn't make 'em attend."

Is it a good bill? "It follows the constitution directly," Lewis said. "There's probably part of it that should be worked on. But we left it the way it was because if we changed a lot of it, that might make it unconstitutional."

W. T. Dungan, a sponsor of the bill and one of the three representatives who testified in its favor at the hearings (Obs., March 11), said a quorum was present at the Monday session. "Evidently there weren't enough of 'em there," he said.

What are the chances of passage in the House? "I think that anybody who votes against it on the floor," Dungan said, "would be in trouble. It has an excellent chance of passing." W.M.

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House Approves Old Age Proposal

AUSTIN

A resolution which would place a constitutional amendment on the 1962 election ballot giving old people over 65 a $1,500 exemption on local homestead taxation barely failed to get the 100 necessary votes in the House this week. But it was engrossed, 90-51, and will come back to the floor again later.

"We allow depletion allowances on oil," Rep. Roy Harrington, Port Arthur liberal and main sponsor, argued in successfully parrying two amendments. "We don't realize people depreciate, too.

"To me this is such needed legislation it speaks for itself," Harrington said. "We're speaking about a group of people who've worked all their lives, paid their taxes, raised their children. They now have a tax burden" on reduced incomes after they reach 65.

"Many other states go farther than this," he said. "This measure has been amended and compromised down so that it's just a token of what these people deserve."

An amendment by Kika de La Garza, conservative from Mission would have excluded old people with incomes over $1500 a year each, or $3,000 for a man and wife together, from the tax exemption If a person over 18 and in good health lived on the premises, the homeowner would also be disqualified.

De La Garza argued that the question was whether "to limit the exemption to those who need it or give it to everyone."

Paul Floyd, Houston, defending "the idea of equality under the law, said de La Garza's amendment "would discriminate against a person who might have more than $1,500 a year."

Bob Eckhardt, Houston, attacking the amendment from another direction, contended the provision for showing need would require an old person to "show a kind of pauper status. You might get those willing to beg, but not those who are proud."

De La Garza's amendment was tabled by a close 73-70 vote.

An amendment by Ben Jarvis, Tyler conservative, which would base the $1,500 exemption on market value rather than the value of tax assessment, was tabled, 114-27.

Tom James, Dallas conservative and principal spokesman for the opposition, said there was a "growing concern" for old people in our state. Since he had come to the legislature, he said, he had frequently heard "glowing terms of admiration for the old folks." He argued that the proposed amendment should be evaluated on its own merits, however.

James said the measure would jeopardize funding bonds outstanding and future bond issues in localities. "Not only do we have a deep-rooted state financial problem," he said, "but counties and cities are also faced with needs for additional taxation."

He said he remembered a conversation with an elderly citizen, who told him, " 'Haven't we been downgraded long enough? We can pay our taxes. We don't ask for discrimination there. "Old people, James argued, "don't wish to be second - class citizens." What they want "is an opportunity to continue to produce in this country of ours. I don't think this is what the old folks want."

In rebuttal, Harrington countered that taxes on most old-age pensioners "amounts almost to one-third of their annual income.

"In Texas we've done very little for our old people," he said. "We're running far behind the average state in the nation. We haven't assumed our responsibility.

"Rep. James said the old people didn't want a measure like this. I challenge Rep. James and the members of this House just to submit this to the people for a vote." It was a green board, 90-51.

The 51 who voted against the measure:

Adams of Lubbock, Adams of Mt. Pleasant, Allen of Longview, Atwell of Dallas, Banfield of Rosenberg, Barnes of DeLeon, Bell of San Antonio, Blaine of El Paso, Boysen of Loakum, Buchanan of Dumas, Butler of Kenedy, Chapman of Sulphur Springs, Cole of Greenville, Cook of Odessa, Cotten of Weatherford, Crain of Ringgold, Crews of Conroe, Curington of Corsicana, Fairchild of Center, Gibbens of Brackenridge, Glusing of Kingsville, Harding of San Angelo, Hughes of Dallas, Isaacks of El Paso, James of Dallas, Jamison of Denton, Jarvis of Tyler, Johnson of Dallas, Johnson of Temple, Jones of Dallas, Latimer of Abilene, Lewis of Dallas, Martin of Normangee, Moore of Ballinger, Mutscher of Brenham, Nugent of Kerrville, Osborn of Muleshoe, Peeler of Corpus Christi, Price of Frankston, Ratcliff of Dallas, Read of Big Spring, Richards of Huntsville, Roberts of Lamesa, Schram of Taylor, Slider of Naples, Snelson of Midland, Spilman of McAllen, Thurmond of Del Rio, Tunnell of Tyler, Walker of Cleveland, Wilson of Amarillo.

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Hollowell Ired When Senator Introduces Bill

AUSTIN

Rep. Bill Hollowell of Grand Saline this week accused Sen. Ray Roberts of McKinney of playing politics with Hollowell's bill raising monthly allowance for the blind and aged.

Hollowell said his measure, co-sponsored by Ronald Roberts of Hillsboro, "has been in the Senate since the first part of February" after it passed the House, 138-0.

"I asked Roberts (chairman of Senate finance) three times for a hearing," Hollowell told the Observer. "Finally I sent him a registered letter, with return receipt requested." Hollowell said Roberts then introduced his own bill, almost exactly similar to the measure passed by the House.

"He's never introduced a bill to aid the old folks since he's been in the legislature," Hollowell said. "I wonder what kind of office he's running for which makes him so interested in old folks' problems at this late date. I'm sure they won't be fooled by this belated interest in their welfare."

Liberals, Moderates Win Skirmish

(Continued from Page 1)

Minutes later, on adoption of the Preston motion itself, a shift in five votes gave the coalition a 77-69 victory. The issue had been joined, and the proponents breathed easier.

Two minor amendments in the Ballman bill were rejected. Reed Quilliam, Lubbock conservative, led the move to delete a $300,000 provision equalizing the tax on coin - operated and regular bowling alleys. Bob Eckhardt, Houston liberal, was successful in striking a $290,000 provision which would have eliminated the two percent discount on affixing liquor stamps. Except for those, the tax measure was intact.

Wait for Appropriations

Marshall Bell, veteran conservative from San Antonio, stood up to attack the bill. "Where is this emergency?" he asked. He scorned "all this business about Texas being in a financial plight" in its present deficit. The principle of deficit financing is sound, he said. The bankers have a bargain, "and gentlemen, the state of Texas has a bargain. If a man had a bunch of bills and a few of them were falling due and he went to his banker and said, loan me $50 to pay my $500 in debts, the banker would look at him and say, solve your financial problem at one time."

Bell argued that the best solution would be to find out the amount of the appropriations bill, lump it with the deficit, and pass one large tax bill. The state will have to raise $330 million for the biennium, he warned, and the money contained in this tax bill "is roughly only 20 cents on the dollar.

"What is the rush to pass this over to the Senate at this time?" he asked. The Senate may hold it, wait until the appropriations bill is passed, "and if they do that, the Senate is going to write the tax bill."

Ben Jarvis argued, "Where's our major tax bill coming from? I haven't seen the speaker's program, and Lord knows the governor doesn't have a program. If we pass this, where are we? Let's kill it and find out what our appropriations bill is going to be."

Atwell charged that "this is nothing but a tactic. We spent quite a bit of time today discussing this shell. If you people in the gallery want to see a general sales tax passed, you had just as well go home. You are looking at the only tax bill that will be passed.

"If we are going to pass a broad-based tax in which the people of Texas will pay their fair share," Atwell said, a negative vote should be cast.

After a closing argument by Ballman, the bill was engrossed, 83-61. But Ballman's motion to suspend the rules and allow final passage on the same legislative day failed, 90-54.

Coalition Holds Firm

Next day, after the noon recess following the usual morning session, House liberals and Daniel supporters expressed a strong urgency that the regular calendar be cleared by postponements and the tax measure be voted upon in its final form before the long Easter recess. "If they can carry this thing over the vacation," Rep. Charles Hughes, Sherman liberal said, "we'll never see it passed."

Postponements were carried accordingly and the House poised itself for another big afternoon.

On a series of crippling amendments from the conservative side, the liberal-moderate coalition held firm. An amendment by Murray Watson on coin-operated machines, similar to one offered the day before, was tabled 76-66. Another by Bill Jones of Dallas striking out the $12 million clause on the permanent school fund transfer lost, 87-55. A third by Tom Andrews of Aransas Pass to make all franchise taxes expire in two years to encourage this legislature and the next to find a new tax was thrown aside, 76-68.

Reed Quilliam, Lubbock conservative, made the only inroad into the bobtail tax measure on an amendment to the Spears-Cannon franchise tax. Basing his argument on encouraging investment in Texas, Quilliam proposed an addition which he said would give the same tax deductions on manufacturing plant investment to inter-state corporations as to corporations operating solely in Texas.

Spears countered that the amendment would "give an unfair advantage to corporations now in Texas which are resisting expansion."

Wtih a two-thirds vote required, the Quilliam proposal lost, 80-63.

Liberals swiftly worked the floor during the debate on other amendments, reaching the conclusion that the entire tax bill might be endangered if the Quilliam measure were not accepted as part of the franchise tax. In an on-the-spot decision that avoided the calculated risk, they moved to reconsider Quilliam's amendment. "This doesn't do that much damage to the bill," Spears told the House. Motions to reconsider and then to pass the amnedment were approved overwhelmingly.

'Get a Good Rest'

After the final amendment, the one by Andrews, was parried, heads turned to see whom the conservatives would send to the microphone to fight final passage after the heated three-gun blast of the day before.

Will Ehrle, the staunch conservative from Childress who is running for the speakership and who has seldom spoken in the debates of the session, moved from the right of the rostrum to the front platform. An assistant displayed a board chalked with figures.

Although a motion on the previous question had been carried, Ehrle asked for and was granted unanimous consent to close the debate.

"Today we're down to the lick log,'" Ehrle said, in a voice that grew louder and more irritated. "The heat has been put on to pass a tax bill, any kind of tax bill." Proponents of the bill, he charged, were "not sincere in accepting the Quilliam amendment. They accepted it to get the entire measure passed.

"When we're talking about inter-state commerce," he said, "they refer to the giant cartels, but there are small businesses selling in inter-state commerce as well." As a "hypothetical situation," Ehrle referred to comparative tax figures on "a small drug company in Childress, Texas." Under the franchise tax under consideration, he said, the small drug company would pay 771 percent in increased taxes.

"I submit that is a gross injustice," Ehrle said.

"Mr. Eckhardt has taken care of the giant manufacturers to pass this bill. But what has he done to the small wholesale concern? Consider what you're doing for the smaller corporations in Texas."

Ehrle recommended defeat of the entire tax bill. "Get a good rest over Easter and we'll come back and tackle this problem," he said.

Eckhardt and Hughes were standing at the back microphone. When Ehrle had finished, Eckhardt asked Ehrle's permission to ask a question on the grounds that "you mentioned me." Ehrle refused. Hughes was also turned down.

Ballman, concluding for the proponents, accused Ehrle of injecting "a confusing issue into this debate. Mr. Ehrle didn't have one single amendment on the table. If we follow Mr. Ehrle, we'll be here until the snow starts falling on the capitol lawn.

"We've delayed enough until we have $193 million in hot checks outstanding now. Mr. Ehrle doesn't want this bill passed. He doesn't want any portion of this bill passed, except the one bill he wants."

The time had come, after two days of floor fighting, for the final vote. At stake was $42 million and the tactic of timing played around a possible sales tax. Lights flashed on the two boards and, seconds later, an 82-60 favorable vote was announced.

Speaker Turman then asked for a two-thirds vote to put the bill into immediate effect, should it be passed by the Senate, but only three came over from red to green. The final tally was 85-60.

The Senate, removed by the constitution from first consideration of taxes, now gets the first tax bill. After 78 days of the regular session, the bitter tax fights which last time extended far into the summer are just beginning.

W.M.

HEAR

SENATOR WAYNE MORSE

Of Oregon At

1961 Roosevelt Day Dinner

☆ ☆ ☆

SATURDAY, APRIL 8TH — 6:30 P. M.

☆ ☆ ☆

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MARVIN MENAKER, Co-Ordinator

TEXAS LAWMEN

Captain L. H. McNelly, Ranger

"Speak softly, but say something . . You'll be heard!"

One of Texas' most respected Rangers was described by historian Walter Prescott Webb as "a tallish man of quiet manner, with the soft voice of a timid Methodist preacher." It was said that as a scout during the Civil War L. H. McNelly had been able to disguise himself, successfully, as a woman.

But no one of Captain McNelly's special Ranger force would ever believe it. Some had known him since, at the age of 17, he enlisted in Co. F, 5th Reg., Texas Mounted Volunteers. Many of them were with him during the Civil War, at Val Verde, Brashear City, Lafourche, Mansfield, and knew all about this quiet man's contempt of danger. After the reactivation of the Texas Rangers in 1874, they saw him step into the sizzling Sutton-Taylor feud in DeWitt City, and chill it thoroughly. They went with him to the Rio Grande to suppress border trouble, and saw the border bandits simmer down to drowsy peace. This was the last service he was able to perform for his state. Not long after his outstanding border clean-up, Captain McNelly contracted tuberculosis and died, September 4, 1877, at his plantation home in Washington County. He was only 33 years of age.

Texas lawmen have always served their state well — as have Texas industry and commerce. Providing payrolls and community revenues, one industry has also provided the refreshment of moderation. In Texas the brewing industry "belongs." Brewers, wholesalers, retailers and the United States Brewers Association are working constantly in cooperation with today's lawmen, to assure the sale of beer and ale under pleasant, orderly conditions.

TEXAS DIVISION
UNITED STATES BREWERS ASSOCIATION
AUSTIN

Traded to Nats?

Sirs: At this time of the year, your readers might be interested in the current crop of baseball players.

Jim Wright of the Ft. Worth Cats. Shortstop. Covers an acre of infield, but will slip on wet grass. Will hit to all fields. Good at getting scratch hits and Texas leaguers.

Maury Maverick. Left fielder. A holdout this year. Scion of prominent baseball family: Dad enshrined in Baseball Hall of Fame. Good batting average. Will peel that long apple. Flashy fielder, making routine plays appear spectacular. Was voted Rookie of the Year when he first came up with Austin.

Will Wilson. Second base. Weak batter, but holds league's record for walks. Opposing team plays him as a hitter to shallow center. Hesitant fielder, failing to complete plays. Will not drive wagon or car in West Texas.

Bill Blakley of the Dallas Cowboys, currently substitute right fielder with the Washington Nats. Playing his last season in organized ball. Mistakes St. Louis Cardinals for J. Crows. Trademark: French cuffs on uniform blouse.

John Tower. Catcher. Came up as bonus baby from varsity ball. Took spring training in Arizona. Automatically goes to right of gold plate to chase pop flies, thus missing easy outs. Heavy footed.

Henry Gonzalez. Mission pitcher from San Antonio. Workhorse of the mound staff. In 1957, established record, pitching 26 consecutive innings. Elegant fielder. Has sharp eye out for base stealers. Receives weekly supply of resin from East Texas pine country, courtesy of Archer Fullinghim. Can hold erudite discourse on kinetic theory of breaking curve. Spends spare time teaching sand lot ball to underprivileged kids. This scribe has a hunch Henry is about to be traded to Washington Nats.

There are 63 bush leaguers in the game this season as well.

Doris Ariane Blaisdell, 2515 24th St., Lubbock.

Misdirected Wrath

Sirs: It is indeed pitiful to read letters in these pages attacking a good Democrat. Surely if there are those who must vent their spleen there are others in this Senate race who might more properly draw such wrath. Does this reflect the poverty of their candidate's program or merely of their own imaginations?

I am proud of Maury Maverick, Jr. He has the courage and the vision without which, the Scriptures tell us, "the people perish." I do not and he does not feel votes are to be gotten by the destruction of any other candidate. If a man cannot run on his own merit and program he does not deserve your vote. Maverick meets this test.

Maverick is talking sense to the people of Texas. He is trying to mobilize the support that President Kennedy's program deserves. With Congress behaving in its present balky manner, this above all else should be the aim of all good Democrats. With Maverick and Yarborough Texas can be proud of her contribution to the New Frontier.

Edmund L. Cogburn, 4524 Oakdale, Bellaire.

Condit Tours

Sirs: Your readers may be interested to know that Tom Condit, International Secretary of the Young People's Socialist League, will be touring Texas next month, speaking on varied and sundry topics. Knowing that a willingness to hear new and perhaps dissenting ideas is a characteristic of liberals, I would like my fellow Observer readers to try to hear Mr. Condit when he is in their area.

If anyone is interested in hearing Mr. Condit, I will send him a schedule of his tour. Just drop me a postcard.

Even if you disagree with Mr. Condit, I can guarantee that he will be an interesting change from Dan Smoot, William Strube, and our usual class of public speakers.

James Higgins, Box 18233, Houston.

Tragedy

Sirs: Anent: Wayne Chastain comparison Maverick with Hamlet and Dick Meskill comparison Gonzalez with Othello—The Senate election, as far as the liberals of Texas are concerned, I fear, will be another Shakespearean tragedy.

Kathleen Voigt, 202 West Fair Oaks, San Antonio.

THE TEXAS OBSERVER
Page 7 April 1, 1961

VOTE LIBERAL
MARTIN ELFANT
Sun Life of Canada
Houston, Texas
CA 4-0686
VOTE GONZALEZ

The Final Punishment

Part Three

AUSTIN

There are three major purposes for punishment: to deter crime, to rehabilitate the criminal, and to mete out justice. We have seen that there is no evidence to show that capital punishment has any unique deterrent value and that there is some evidence that it actually encourages murder. We know without further thought that capital punishment has no rehabilitating effect on the criminal.

Society cannot teach a man a lesson by killing him; a dead man cannot learn. Those who wish to support capital punishment will have to defend it as a fitting retribution for terrible crimes.

But what is the fitting retribution for the crimes of the insane, the ignorant, the impulsive? Studies have shown that the poor, the ignorant, the mentally subnormal and the mentally ill provide the human material for the executioner. Two Californians, Thomas and McCain, were jailed for killing a woman during a robbery. Thomas was defended by a court-appointed lawyer who had him plead guilty before a strict judge. McCain's lawyer plead him not-guilty and defended his case before a jury. Thomas was executed and McCain received a life sentence.

In Texas, white women are reprieved for committing crimes for which men are executed. The recent Selby case offers a splendid example of the uneven hand of Texas justice. Statistics show that the percentage of convicted Negroes who are executed is much higher than the percentage of whites. Studies of the use of capital punishment for purposes of racial hatred are available.

THERE ARE SEVEN Southern states in which 78 Negroes and no whites have been executed for rape, although many white men have been convicted of rape in these states.

The execution of Private Slovik provides a tragic example of our arbitrary selectivity in the use of capital punishment. Slovik was executed for cowardice on January 31, 1945. He was the first soldier to be executed for that offense since the Civil War. This is not because he was the first coward. Approximately 40,000 formal charges of cowardice were filed against American soldiers during World War II. 2,894 of these resulted in convictions calling for the death penalty, 49 of which were approved by convening authorities.

But only Slovik, a private of sub-normal intelligence, meager education, and poverty-stricken background, was selected for execution. Nor was he shot before the files-on-parade so that his execution would deter other soldiers from cowardice. He was executed in high secrecy. There was no public knowledge of his execution until after the war!

But the cases in which the death penalty has been administered with great partiality and little justice upon the poor, the stupid, the Negro, and the mentally ill are not the most flagrant examples of its misuse. When innocent persons are executed, the mockery of justice which inevitably accompanies the death penalty is most apparent. Several books are in print which record the all too frequent miscarrying of justice.

There is the Berstein case, the Rexinger case, the Foster case, the Thompson case, and so on and on. Professor E. W. Borchard's book, **Convicting the Innocent,** cites 65 cases in which there were miscarriages of justice. He cites eight trials in which defendants were accused of crimes that had not been committed. He cites the case of a woman who was convicted of murder and about to be executed when the "victim" returned from out of town.

Jerome Frank and his daughter, Barbara, in their book, **Not Guilty,** record and comment upon several cases in which the innocent have suffered. Judge Frank has pointed out several factors in our court procedures which make error unavoidable.

AS LONG AS MEN and their institutions are fallible, innocent men will be convicted of crimes. If capital punishment is not used, there is a very good chance that those who are innocent will be able to prove their innocence. If capital punishment is used, then those who use it have to assume the responsibility for executing the innocent.

If one wills to use a final and irrevocable punishment without the assurance that his institutions are infallible, he commits himself —whether he likes it or not—to the occasional execution of the innocent. President Jefferson was right when he said, "Until I shall have been convinced of the infallibility of human judgment, I shall always oppose the penalty of death."

JOHN SILBER

To be concluded

LEGALS

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Kenneth Ray Oliver, Defendant, in the herein after styled and numbered cause:

You are hereby commanded to appear before the 53rd District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 17th day of April, 1961, and answer the petition of plaintiff in Cause Number 120,478, in which Ann Oliver is Plaintiff and Kenneth Ray Oliver is defendant, filed in said Court on the 30th day of Dec., 1960, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; plaintiff alleges that defendant commenced a course of unkind, harsh and cruel treatment toward plaintiff and that on divers occasions defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such a nature as to render their further living together insupportable; plaintiff alleges that four children were born of this marriage, to-wit: Kenneth Charles, age 10. Linda Jeanette, age 9 Yrs., Denneth Howard, age 6 yrs., and Larry Ray, age 1 yrs., and that no community property was acquired during the marriage; plaintiff prays for judgment of divorce from defendant, custody and care of the said minor children, that defendant be required to contribute a reasonable amount of money for support of said minor children, and that defendant have reasonable visitation rights with said minor children; Plaintiff further prays for relief, general and special;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 3rd day of March, 1961.

O. T. MARTIN, JR.,
Clerk of the District Courts,
Travis County, Texas
By A. E. JONES, Deputy.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Bobby Williams, Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 17th day of April, 1961, and answer the petition of plaintiff in Cause Number 119,922, in which Giffney Darleen Williams is Plaintiff and Bobby Williams is defendant, filed in said Court on the 4th day of Nov., 1960, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant for decree of divorce dissolving the bond of matrimony heretofore and now existing between said parties; plaintiff alleges that defendant began a course of unkind treatment toward plaintiff and that defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such a nature as to render their further living together insupportable; plaintiff alleges that one child was born of this marriage, to-wit: Gerald Williams, male, age 4 yrs.; plaintiff further alleges that no community property was acquired during her marriage to defendant; plaintiff prays for judgment of divorce, care and custody of minor child, Gerald Williams, and that defendant be required to contribute a reasonable amount of money toward support and maintenance of minor child, and for such other and further relief as the Court shall deem proper to grant;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 1st day of March, 1961.

O. T. MARTIN, JR.
Clerk of the District Courts,
Travis County, Texas
By: A. E. JONES, Deputy.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Ernest Rodriquez Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 1st day of May, 1961, and answer the petition of plaintiff in Cause Number 121,337, in which Angelina Rodriquez is Plaintiff and Ernest Rodriquez is defendant, filed in said Court on the 14th day of March, 1961, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that defendant commenced a course of unkind, harsh and tyrannical conduct toward plaintiff and that defendant was guilty of excesses, cruel treatment and outrages toward plaintiff; plaintiff alleges that she did nothing to bring about this treatment; plaintiff alleges that no children were born of this marriage, none adopted, and that no community property was acquired; plaintiff prays for judgment of divorce from defendant, restoration of her maiden name, Angelina Torres, and for such other and further relief, in law and in equity, general and special;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 14th day of March, 1961.

O. T. MARTIN, JR.,
Clerk of the District Courts,
Travis County, Texas.
By A. E. JONES, Deputy.

TO WHOM IT MAY CONCERN:

Notice is hereby given that H. H. Weaver, Sr. and H. H. Weaver, Jr., doing business as a partnership known as Weaver Construction Company, have dissolved the same and formed a corporation under the name of Weaver Construction Company, 1225 Union Bower Road, Irving, Texas.

EXECUTED this the 24th day of March, 1961.

(Signed)
H. H. WEAVER, Sr.
H. H. WEAVER, Jr.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Robert Bouma, Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before 10 o'clock A. M. of Monday the 8th day of May, 1961, and answer the petition of plaintiff in Cause Number 121,404, in which Emma Guerrero Bouma is Plaintiff and Robert Bouma is Defendant, filed in said Court on the 20th day of March, 1961, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that defendant commenced a course of unkind, harsh and tyrannical conduct toward plaintiff until Sept., 1952; Plaintiff alleges that defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such nature as to render their further living together insupportable; plaintiff alleges that one child was born of this marriage, to-wit: Henry Bouma, and that defendant has said minor child at this time and plaintiff asks that Court for control and custody of said minor child and a reasonable attorney's fees to prosecute this suit; plaintiff alleges that no community property was acquired during this marriage and that her maiden name was Emma Guerrero; plaintiff prays for judgment of divorcement from defendant, care, custody and control of the forementioned minor child, attorney's fee, restoration of her maiden name, Emma Guerrero, and any and all relief, general and special that sne may be entitled;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 20th day of March, 1961.

O. T. Martin, Jr.
Clerk of the District Courts,
Travis County, Texas.
By A. E. Jones, Deputy.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Maria Van Heerbeek McKinney, Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 53rd District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof, that is to say, at or before, 10 o'clock A. M. of Monday the 15th day of May, 1961, and answer the petition of plaintiff in Cause Number 121,241, in which W. N. McKinney, Jr. is Plaintiff and Maria Van Heerbeek McKinney is Defendant, filed in said Court on the 6th day of March, 1961, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that defendant left plaintiff on Sept. 20, 1960, and returned to Holland, in the continent of Europe and that prior to this time defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such a nature as to render their further living together insupportable; plaintiff alleges that no children were born of this marriage and no community property was acquired with the exception of small amounts of assets that were left to plaintiff by defendant to clear up bills and debts incurred by the marriage; Plaintiff prays for judgment of divorce from defendant, and such other relief, general and special, that the Court may deem proper;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 27th day of March, 1961.

O. T. Martin, Jr.
Clerk of the District Courts,
Travis County, Texas.
By A. E. Jones, Deputy.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Jeanie Karon Franklin, Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before 10 A. M. of Monday the 8th day of May, 1961, and answer the petition of plaintiff in Cause Number 121,413, in which Billy R. Franklin is Plaintiff and Jeanie Karon Franklin, Defendant, filed in said Court on the 21st day of March, 1961, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; plaintiff alleges that defednant left him one hour after his discharge from a hospital in El Paso, Texas; Plaintiff alleges that marriage was performed while plaintiff was in said hospital but upon his release from said hospital, defendant left for Oklahoma on July 12, 1960, and plaintiff has not seen defendant since that date; plaintiff alleges that this treatment is cruelty; plaintiff alleges that no children were born of this marriage and no community property was acquired; plaintiff prays for judgment of divorcement from defendant and for such other and further relief, in law and in equity, to which plaintiff may be entitled;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 20th day of March, 1961.

O. T. Martin, Jr.
Clerk of the District Courts,
Travis County, Texas.
By A. E. Jones, Deputy.

Sharks Bill Near; House Passes 'Rights'

AUSTIN

Criss Cole's loan sharks bill (HB 7), reworked by a subcommittee but still containing what some have called a "destructive insurance loophole," is scheduled to hit the House floor Wednesday and stir an immediate and intense dispute.

The Houston representative's controversial measure was postponed twice last week.

Intimating that some banks want to be brought under his bill to charge the same high rates it would allow for loan companies, Cole yelled over the House microphone this week that if pressure from the banks defeats his bill "I will introduce a resolution for investigation of whether there is not a violation of the public interest by some bank officials who have loan shark companies on the side."

Rep. Bob Eckhardt, Houston, said he has received many telegrams from employees of small loan companies urging him to help defeat Cole's bill. They contend the bill might put their companies out of business and them out of work.

Eckhardt said he is answering them: "I would rather have a few people lose their jobs with usurious lenders than have a great number of people losing their shirts because of usurious interest."

Cole protested the postponement on bringing up his bill to a House debate and vote, arguing that delay favors the loan sharks by giving them more time to bring pressure on the legislators.

His bill, originally much like the bill submitted this session by Rep. Tony Korioth, Sherman, was altered in subcommittee by raising permissible interest rates on loans of less than $100 from 36 percent a year to 40 percent. On larger loans, the interest rate proportionately drops until the borrower is paying 11 percent a year on loans of $3,000.

Licenses, costing $200, are required, and lenders who do not take out licenses can be fined up to $1,000 and sentenced to as much as six months in jail.

The interest rates specified by the bill cover all charges except "reasonable insurance coverage." Several loan experts, including two assistants attorney general, testified at the committee hearing that exempting insurance coverage from the interest ceiling was a serious fault, that it could ruin the effectiveness of the bill, and that loan companies could earn enough profit without selling credit insurance on the side.

Cole earlier had said he was willing to put insurance charges under the total charge ceiling, but apparently the subcommittee was not of a like mind on this point.

Beer Bust

In other legislative action, the Carling Beer bill ran into deep trouble in the Senate after sailing through the House. Written especially for the benefit of Carling Breweries, which wants to build a $20 million plant at Fort Worth, the bill would permit the brewing of ale as well as beer without a three-year waiting period, and it would permit brewing to continue even if the precinct went dry.

Leading the opposition is Senator Doyle Willis, Fort Worth. Proponents of the measure include the entire House delegation from the Fort Worth area. Sen. Culp Krueger, El Campo, sponsored it in the Senate.

Eight of Fort Worth's nine city councilmen telegramed their support of the measure. Hank Brown, president of the state AFL-CIO, was on hand to tell what a great thing it would be for supplying jobs. Fred Korth, Fort Worth banker, added his plea.

But various religious and temperance leaders spoke against the manufacture of beer, and the motion by Sen. Bill Moore, Bryan, to send the bill to subcommittee for the deadly-sounding "further study," was passed by voice vote.

Some Rights

A women's rights bill, pockmarked by amendments, was trotted gallantly through the House by a vote of 134-11 and sent to the Senate where a vaguely similar rights bill is bottled up in subcommittee.

The original bill was sponsored by Rep. Ben Atwell, Dallas, but Rep. Jim Cotten, Weatherford, stripped most of the meat off the bill by winning approval of an amendment that leaves present community property laws untouched, as well as leaving untouched the homestead rights of widows or unmarried daughters.

The community property laws have long irritated women's rights advocates, for in general they prohibit women separately owning property other than that which they had at marriage or which is bequeathed to them.

Rep. Byron Tunnell of Tyler accused Cotten of hating women.

Also adopted was the amendment by Rep. J. Collier Adams, Lubbock, which puts off to July 1, 1967, the effectiveness of the measure. This, he said, would give the state time to adjust itself to necessary legal alterations which the law would bring about. The bill proposes a constitutional amendment to provide that "equality under the law shall not be denied or abridged because of sex."

Passed by the Senate was a bill written by Sen. Dorsey Hardeman of San Angelo to increase to $1,000 from the present $50 the filing fees for candidates for the U. S. Senate. A comparable bill is kicking around in the House. Both were prompted by the overly-generous turnout for the present race for the seat vacated by Lyndon Johnson.

The Senate also gave unanimous approval to a measure that will let the people vote on a constitutional amendment to provide matching-aid money for medical aid for elderly people who are not on welfare rolls. This will take care of all over 65, because Texas voters already have approved of giving medical care to those who are on welfare rolls.

Labor at Bay

Neither program has been financed, but bills are pending that would do the job.

Two hundred labor union members packed into the hearing room when debate was heard this week on the proposed amendment that would put the right-to-work law in the state constitution. Rep. Jerry Butler, Kenedy, is sponsor.

"There's no need for this," said Hank Brown, president of the state AFL-CIO, "because labor is already restricted by 14 laws covered by this amendment." Brown testified that further hobbles on the labor movement could harm the industrial growth of the state.

The bill may come out from subcommittee immediately after the Easter recess.

Mellowing in a House subcommittee are three redistricting bills. Rep. Malcolm McGregor, El Paso, proposes to pluck one congressman from East Texas and give that seat to South Texas, and open a new congressional district west of the Pecos.

Rep. Ben Lewis is fighting to get another congressman for Dallas, and he is backed by the many Dallas industries that are beginning to suffer from the cold shoulder Dallas gets from Washington because it has sent a Republican, Bruce Alger, to Congress.

Sen. Dorsey Hardeman, San Angelo was drubbed in his effort to get the Court of Criminal Appeals abolished in Texas. He proposed to transfer jurisdiction to the Supreme Court, which would in turn be enlarged from nine to 15 justices.

Hardeman said the court had repeatedly proved itself to be a second rate institution and that the people have lost confidence in it. The Senate, which apparently still has confidence in the court, voted him down two to one.

Three bills dealing with Padre Island are still being shuffled in a mysterious fashion in a House subcommittee. The bills all ostensibly favor setting up a national park on the island, but they do not agree on how generous the state should be in marking its land for that purpose.

The House approved 122-12 a bill by Rep. R. H. Cory of Victoria to make Memorial Day a legal holiday, but it did so only after amending the bill to take Columbus Day off the legal holiday list, with proponents claiming that this move would save the state a million dollars a year in wages.

When Cory said for the bill that it is more logical to honor American war dead than it is to honor Columbus, Kika de la Garza, House jester, said: "Sometimes I think it would have been better if Columbus hadn't discovered us."

If the Senate approves the bill by a two-thirds vote, it will take effect immediately.

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Berry Didn't Go to Pasture

AUSTIN

Wily old "Red" Berry, who last week watched the demolition of one of his horse racing bills with quiet resignation that some legislators mistakenly interpreted to mean the end of the fight, this week came swinging back in a surprise attack that left his enemies at least momentarily routed.

Berry rammed through the committee on privileges, suffrage and elections, House Bill 777, which would obtain a public opinion poll on horse racing via the ballot.

His effort stirred a flurry of opposition that sometimes bordered on the comical and kept Chairman Ronald Bridges, Corpus Christi, gaveling for quiet and occasionally ordering his colleagues to sit down and shut up.

This was the background of the drama, and its enacting:

Last week, when the House by a vote of 145-5 tabled House Bill 4, which would have put local option parimutuel horse racing on the ballot as a constitutional amendment, the enemies of Berry's legislation relaxed.

As far as his HB 777 was concerned, their fears were allayed by the fact that it had been sent by Bridges to what everyone thought to be an unfriendly subcommittee. It was not expected to reappear alive.

The subcommittee was composed of Frank McGregor of Waco, chairman; Bill Walker, Cleveland; Vidal Trevino, Laredo; Bill Heatley, Paducah, and Reed Quilliam, Lubbock.

Surprise Package

Heatley, who has been Berry's bitterest foe all along, and Quilliam were known to be dead set against the bill. McGregor was thought to be also, and that made a majority.

But McGregor, though against horse racing itself, was not against letting the full House decide on Berry's bill, and he went along with Walker and Trevino to pass it back to the committee.

Late Monday evening, two hours before the committee was to meet, Heatley and Quilliam learned for the first time that the bill was coming back. Heatley leaped to the telephone and started trying to drum up ministerial opposition, especially in McGregor's hometown, Waco. There wasn't time to get the ministers to Austin in person. But in came the telegrams.

Quilliam admonished the committee at the outset: "This is just going to string out the correspondence we've been receiving. I know how my constituents feel and most of you do. If this gets through the House and to the people, the House will accept the poll as a mandate. If you are against horse racing, don't be misled by the idea it will be killed later on."

Rep. Tom James, Dallas, said there is no question about the feelings of his constituents. He has received 2,000 telegrams and letters opposing Berry's bills.

But McGregor wouldn't budge. "This is a public opinion poll, nothing else," he said. "It has no legal force or effect. If my district goes 80 percent for horse racing, I'll go for it though I'm against it. I think it ought to be defeated overwhelmingly at the polls, but I'm not sure it will be. I have received one side through the mail. When I go to the country club, I get a different side. This poll would settle it."

James: "I cannot recognize this as a key question before the state. If we refer this question to the people, why not refer some of the truly important questions to them?"

McGregor: "Because it is a moral issue, and I feel we have no business resolving moral issues here when we can pass them on to the state."

Jake Johnson, San Antonio, moved to send the bill to the full House, but before Bridges would allow a vote on his motion a burst of counter-strategy motions hit the table.

Vanishing

W. T. Oliver, Port Neches, moved to send the bill to the attorney general for his opinion on its constitutionality. Walker moved to amend that motion with the order to send the bill to the attorney general if it passed, but this was laughed down before it got a second.

Oliver's motion lost by a vote of 8 to 7.

James moved to recommit the bill to a subcommittee.

Quilliam moved to take out the names of all counties except Bexar, then withdrew his motion.

James' motion failed 8 to 6.

Then, just as Johnson's motion to approve the bill was ready to be acted on, James popped in with another motion, this time to adjourn, but it lost by 8 to 6.

Heatley moved to table Johnson's motion—but suddenly there was no quorum. Several opponents of the bill had stalked out in a last ditch try to stall a showdown vote.

Bridges called a recess for five minutes over McGregor's heated objections: "This is the most ridiculous action I've seen on the floor or in committee. We're in the middle of a series of motions and the chair calls a recess."

Wilson's Pal

While Bridges was trying to explain that he was "only trying to be fair," back came several of the quorum-making recalcitrants, including Quilliam, who said: "Some of us went too far in our opposition. I'm here to stay, and I would like to apologize to Mr. Berry, though I'll continue to vote against him every time."

Heatley's motion to table Johnson's motion lost 9 to 4—the top-heavy loss resulting from the fact that some of the foes had stayed out. Johnson's motion passed by the same ratio: Bridges, Heatley, Parsons, Quilliam voting against it. Bass, Bell, De la Garza, Johnson of San Antonio, McGregor of McLennon, Miller, Oliver, Trevino, Walker voting for it.

Berry foes who were there on the early votes, but missed the last roll calls, were B. H. Dewey Jr., Bryan, Mrs. Myra Banfield, Roseberg, and James.

In all, the battle consumed six roll-call votes.

The Berry foes had one chance to stave off defeat, but they missed it apparently because Dewey wanted to keep his friend Attorney General Will Wilson, a candidate for the Senate, off the hook.

Dewey was against the Berry bill, but on the motion to send it to the attorney general's office for an opinion on its constitutionality, he voted nay, siding with Berry. If Dewey's vote had been aye, the Berry foes would have won 8 to 7.

The Observer asked him later if he had done so to keep from throwing the controversial issue into Wilson's lap during the race. Dewey smiled and said, "Well, yes, you might say that was a consideration." He said he also wanted to block a further flood of letters.

Quilliam said later that if it had gone to the attorney general they might have got two weeks delay, "and we could have done a lot with the committee in that time. At least it wouldn't have hurt us."

He said he had thought the bill was as good as dead, that it had come as a complete surprise when McGregor told him he had signed the bill and it was coming up in committee that night.

Heatley, also bemoaning failure to get the delay, said he was sure they could have swung McGregor back to their thinking. "A person just doesn't sign that subcommittee report and represent McLennon County," he said. "At least I don't think they do."

McGregor, after the battle, said a subcommittee wasn't for killing bills, neither was a committee, and that he was going to "vote my convictions despite the wishes of a foot-kisser."

The bill, if passed by both houses, will ask the people via a general election ballot if they approve or disapprove the idea of local option on horse racing with parimutuel betting. B.S.